

ASSEMBLY BILL

No. 1670

Introduced by Assembly Member Kehoe

February 21, 2003

An act to amend Sections 60850, 60852, and 60856 of, and to add Section 60860 and 60861 to, the Education Code, relating to the high school exit examination.

LEGISLATIVE COUNSEL'S DIGEST

AB 1670, as introduced, Kehoe. High school exit examination.

(1) Existing law requires, commencing with the 2003–04 school year, each pupil completing grade 12 to successfully pass the high school exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school. Existing law prohibits the administration of a high school exit examination to a pupil who did not receive adequate notice regarding the examination and defines adequate notice for this purpose.

This bill would deem an adult education student to have received “adequate notice” at the time of enrollment in an adult education program leading to a high school diploma.

(2) Existing law authorizes a school district to defer, for up to 24 calendar months of enrollment in the California public school system, the requirement that a pupil pass the high school exit examination if a pupil does not possess sufficient English language skills to be assessed by the examination until the pupil completes 6 months of instruction in reading, writing, and comprehension in the English language.

This bill would shorten the deferral period to 12 months.

(3) Existing law requires the State Board of Education, in consultation with the Superintendent of Public Instruction, to study the

appropriateness of other criteria by which high school pupils who are regarded as high proficient but unable to pass the high school exit examination may demonstrate their competency and receive a high school diploma.

This bill would instead require the board, in consultation with the superintendent, to study the appropriateness allowing the use of the California Standards Tests as the assessment instrument by which a high school pupil may demonstrate competency and receive a high school diploma.

(4) Existing law authorizes the award of a certificate or document of educational achievement or completion to an individual with exceptional needs who meets certain requirements.

This bill would provide that a pupil who is eligible to receive a certificate or document of educational achievement or completion is not required to take the high school exit examination and would authorize the governing board of a school district maintaining a high school to confer to an eligible pupil a certificate or document of educational achievement or completion from the high schools of the district and from special day or evening classes of secondary grades maintained by the district.

(5) This bill would authorize a vendor of the high school exit examination to recoup costs associated with excessive ordering of examination materials.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 60850 of the Education Code is
2 amended to read:
3 60850. (a) The Superintendent of Public Instruction, with the
4 approval of the State Board of Education, shall develop a high
5 school exit examination in English language arts and mathematics
6 in accordance with the statewide academically rigorous content
7 standards adopted by the State Board of Education pursuant to
8 Section 60605. To facilitate the development of the examination,
9 the superintendent shall review any existing high school subject
10 matter examinations that are linked to, or can be aligned with, the
11 statewide academically rigorous content standards for English
12 language arts and mathematics adopted by the State Board of



1 Education. By October 1, 2000, the State Board of Education shall
2 adopt a high school exit examination that is aligned with statewide
3 academically rigorous content standards.

4 (b) The Superintendent of Public Instruction, with the approval
5 of the State Board of Education, shall establish a High School Exit
6 Examination Standards Panel to assist in the design and
7 composition of the exit examination and to ensure that the
8 examination is aligned with statewide academically rigorous
9 content standards. Members of the panel shall include, but are not
10 limited to, teachers, administrators, school board members,
11 parents, and the general public. Members of the panel shall serve
12 without compensation for a term of two years and shall be
13 representative of the state's ethnic and cultural diversity and
14 gender balance. The superintendent shall also make the best effort
15 to ensure representation of the state's diversity relative to urban,
16 suburban, and rural areas. The State Department of Education
17 shall provide staff to the panel.

18 (c) The Superintendent of Public Instruction shall require that
19 the examination be field tested before actual implementation to
20 ensure that the examination is free from bias and that its content
21 is valid and reliable.

22 (d) Before the State Board of Education adopts the exit
23 examination, the Superintendent of Public Instruction shall submit
24 the examination to the Statewide Pupil Assessment Review Panel
25 established pursuant to Section 60606. The panel shall review all
26 items or questions to ensure that the content of the examination
27 complies with the requirements of Section 60614.

28 (e) The exit examination prescribed in subdivision (a) shall
29 conform to the following standards or it ~~shall~~ may not be required
30 as a condition of graduation:

31 (1) The examination may not be administered to a pupil who
32 did not receive adequate notice as provided for in paragraph (1) of
33 subdivision (f) regarding the test.

34 (2) The examination, regardless of federal financial
35 participation, shall comply with Title VI of the Civil Rights Act
36 (42 U.S.C. Sec. 2000d et seq.), its implementing regulations (34
37 C.F.R. Part 100), and the Equal Educational Opportunities Act of
38 1974 (20 U.S.C. Sec. 1701).

39 (3) The examination shall have instructional and curricular
40 validity.

(4) The examination shall be scored as a criterion referenced examination.

(f) For purposes of this section, the following terms have the following meanings:

(1) “Accommodations” means any variation in the assessment environment or process that does not fundamentally alter what the test measures or affect the comparability of scores. “Accommodations” may include variations in scheduling, setting, aids, equipment, and presentation format.

(2) “Adequate notice” means that the pupil and his or her parent or guardian have received written notice, at the commencement of the pupil’s 9th grade, and each year thereafter through the annual notification process established pursuant to Section 48980, or if a transfer pupil, at the time the pupil transfers. A pupil who has taken the exit examination in the 10th grade is deemed to have had “adequate notice” as defined in this paragraph. *An adult education student is deemed to have received “adequate notice” at the time of the enrollment in an adult education program leading to a high school diploma.*

(3) “Curricular validity” means that the examination tests for content found in the instructional textbooks. For the purposes of this section, any textbook or other instructional material adopted pursuant to this code and consistent with the ~~state’s~~ *state* adopted curriculum frameworks ~~shall be deemed to satisfy~~ *satisfies* this definition.

(4) “Instructional validity” means that the examination is consistent with what is expected to be taught. For the purposes of this section, instruction that is consistent with the ~~state’s~~ *state* adopted curriculum frameworks for the subjects tested ~~shall be deemed to satisfy~~ *satisfies* this definition.

(5) “Modification” means any variation in the assessment environment or process that fundamentally alters what the test measures or affects the comparability of scores.

(g) The examination shall be offered to individuals with exceptional needs, as defined in Section 56026, in accordance with paragraph (17) of subsection (a) of Section 1412 of Title 20 of the United States Code and Section 794 and following of Title 29 of the United States Code. Individuals with exceptional needs shall be administered the examination with appropriate accommodations, where necessary.

1 (h) ~~Nothing in this chapter shall~~ *This chapter does not* prohibit
2 a school district from requiring pupils to pass additional exit
3 examinations approved by the governing board of the school
4 district as a condition for graduation.

5 SEC. 2. Section 60852 of the Education Code is amended to
6 read:

7 60852. Notwithstanding Section 60851, if a school district
8 determines that a pupil does not possess sufficient English
9 language skills to be assessed pursuant to Section 60850, the
10 district may defer the requirement that the pupil ~~pass~~ *take* the high
11 school exit examination for a period of up to ~~24~~ *12* calendar
12 months of enrollment in the California public school system until
13 the pupil has completed six months of instruction in reading,
14 writing, and comprehension in the English language. ~~Nothing in~~
15 ~~this section shall be construed to~~ *This section does not* allow any
16 pupil to receive a diploma of graduation from high school without
17 passing the exit examination, in English, prescribed by Section
18 60850.

19 SEC. 3. Section 60856 of the Education Code is amended to
20 read:

21 60856. After adoption and the initial administrations of the
22 high school exit examination the State Board of Education, in
23 consultation with the Superintendent of Public Instruction, shall
24 study the appropriateness ~~of other criteria by which high school~~
25 ~~pupils who are regarded as highly proficient but unable to pass the~~
26 ~~high school exit examination may~~ *allowing the use of the*
27 *California Standards Tests as the assessment instrument by which*
28 *a high school pupil may demonstrate their* competency and receive
29 a high school diploma. ~~This criteria shall include, but is not limited~~
30 ~~to, an exemplary academic record as evidenced by transcripts and~~
31 ~~alternative tests of equal rigor in the academic areas covered by the~~
32 ~~high school exit examination.~~ If the State Board of Education
33 determines that ~~other criteria~~ *the California Standards Tests* are
34 appropriate and do not undermine the intent of this chapter that all
35 high school graduates demonstrate satisfactory academic
36 proficiency, the board shall forward its recommendations to the
37 Legislature for enactment.

38 SEC. 4. Section 60860 is added to the Education Code, to
39 read:

1 60860. Notwithstanding Section 60851, a pupil who is
2 eligible to receive a certificate or document of educational
3 achievement or completion pursuant to Section 56390 is not
4 required to take the high school exit examination. The governing
5 board of a school district maintaining a high school may confer to
6 an eligible pupil a certificate or document of educational
7 achievement or completion from the high schools of the district
8 and from special day or evening classes of secondary grades
9 maintained by the district. A pupil eligible for a certificate of
10 completion or achievement is entitled to participate in graduation
11 ceremonies.

12 SEC. 5. Section 60861 is added to the Education Code, to
13 read:

14 60861. (a) A vendor of the high school exit examination may
15 recoup costs associated with excessive ordering of examination
16 materials as set forth in this section.

17 (b) If a school district places an order for examination materials
18 that is excessive, the school district is responsible for the cost of
19 the excess order. The cost of the excess order is the difference
20 between the cost of 80 percent of the examinations ordered and the
21 cost of the total number of examinations that are taken by the
22 eligible pupils and adult education students of the school district
23 that are scored. The cost to a school district for replacement
24 materials or an excess order may not exceed the amount per test
25 booklet and accompanying materials that is paid to the test
26 publisher by the State Department of Education as part of the
27 contract with the test publisher for the current year.

28 (1) An answer document that is returned to the vendor
29 explaining the reasons the eligible pupil did not take the test may
30 not be counted in the number of excessive examinations.

31 (2) If a vendor chooses to send a small percentage of overage
32 to a school district, the overage may not be counted in the number
33 of excessive examinations.

34 (c) If a vendor chooses to estimate order quantities for a school
35 district, the district shall review and adjust the order quantities to
36 reflect the number of tests actually required.



1 (d) The decision to recover costs for excessive examination
2 materials is at the discretion of the vendor of examination
3 materials.

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